

Agenda
City Council
Council Chambers/City Hall
125 E. South Main, Flatonia, Texas

December 8, 2020 City of Flatonia Regular Meeting 6:00 p.m.

Notice of City Council Meeting

In accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Texas Government Code, Notice is hereby given that a Regular Meeting of the City Council of the City of Flatonia will be held on <u>Tuesday</u>, <u>December 8, 2020 beginning at 6:00 p.m.</u> in the City Hall Council Chambers located at 125 E. South Main St., Flatonia, Texas, for the purpose of considering the following agenda items:

The meeting agenda is posted online at: http://www.flatoniatx.gov/page/Council Agendas Minutes

Members of the public who wish to submit their written questions or comments on a listed agenda item must submit these by sending an email to City Manager Sarah Novo at manager@ci.flatonia.tx.us. Questions or comments must be received no later than 12:00 noon on Tuesday, December 8, 2020.

Opening Agenda

Call to Order Invocation & Pledge Citizens' Participation

Reports

Police Department Activity Report November 2020 Utility Department Activity Report November 2020

Consent Agenda

Approve minutes of the November 17, 2020 Special Council Meeting and the November 17, 2020 Special Council meeting to Canvas the returns of the November 3, 2020 General Election.

Deliberation Agenda

12.1 -2020.1

Consider and take appropriate action on the continuance of a contract the Sign Ad for billboard services.

12.1.2020.2

Consider and take appropriate action to approve the reappointment of Dennis Geesaman, Ginny Sears and Gary Hoover to the Economic Development Corporation Board of Directors for a term of October 1, 2020 – September 30, 2022.

12.1.2020.3

Consider and take appropriate action on the resolution reinstating, continuing and renewing the Declaration of Disaster as signed by Mayor Milson on March 24, 2020, ratified by Council on March 31, 2020, and continued by Council on March 31, 2020, May 27, 2020, July 28, 2020 and October 13, 2020 for an additional sixty days.

Executive Session Agenda

ES12.1.2020.1

As authorized by Texas Government Code Sec. 551.072 (Deliberations regarding Real Property) and Sec. 551.071 (Consultation with Attorney), the Board may enter into closed or executive session to discuss acquisition of the following item of real property and to consult with the City Attorney about attorney-client privileged matters relating to such acquisition:

1107 E. Highway 90, Flatonia, Texas

ES12.1.2020.2

As authorized by Texas Government Code Sec. 551.071 (Consultation with Attorney) regarding litigation, or claims in connection with the following matter:

Kram v. City of Flatonia; Cause No. 2019V-151; 155th District Court, Fayette County, Texas

Deliberation

12.1.2020.4

Consider and take appropriate action on first reading of Resolution authorizing the Flatonia Economic Development Corporation to purchase 1.37 acres (consisting of 3 tracts) in the M. Muldoon League, A-14, Fayette County, Texas, commonly known as 1107 E. U. S. Highway 90, Flatonia, Texas, from the Grifaldo family in accordance with the terms set out in attached Exhibit "A".

Adjournment

I, the undersigned authority hereby certify that the Notice of Meeting was posted on the bulletin board outside the front door of the City Hall of the City of Flatonia, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time Friday, December 4, 2020 by 6:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Sarah Novo, City Manager, City of Flatonia

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The Flatonia City Hall is wheelchair accessible. Access to the building is available at the primary entrance facing Main Street. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print are requested to contact the City Manager's Office at 361-865-3548 or by FAX 361-865-2817 at least two working days prior to the meeting so that appropriate arrangements can be made.

EXECUTIVE SESSION STATEMENT

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Section 551.071 (Consultations with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations Regarding Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations Regarding Security Devices or Security Audits), 551.086 (Certain Public Power Utilities: Competitive Matters) and 551.087 Regarding Economic (Deliberation Development Negotiations).



FLATONIA POLICE DEPARTMENT

205 E. South Main St. Flatonia, TX 78941 Office: 361-865-3337 Fax: 361-865-3039

November Monthly Report

To: Flatonia City Council

From: Flatonia Police Department

Subject: November Monthly Report

Calls for Service:

There were 243 calls for service for this month.

Offense / Incident Report Activity:

11/2/2020 Officer Stansberry was dispatched to a verbal disturbance, on the northeast side of town, between two individuals. Both parties were able to talk things through in a calm manner and Officer Stansberry returned to his patrol duties.

11/03/2020 Officer Llanes was dispatched to a report of an accident on I-10 around the 663-mile marker. Officer Llanes was able to locate the accident that involved two tractor trailers. Officer Llanes was able to assist one of the drivers out of the tractor, which was rolled over on its side. Emergency Medical Services and Texas Highway Patrol arrived shortly thereafter. Flatonia Officers provided traffic control until the scene was cleared.

11/04/2020 Chief Dick and Sergeant Pritchard were able to provide Fayette County Deputies with assistance in apprehending four individuals, that ran from a vehicle, after a traffic contact was initiated, by one of the Sheriff's deputies. Flatonia Officers provided back up while the deputy conducted the remainder of his investigation. Officers resumed normal patrol duties shortly after.

11/09/2020 Sergeant Pritchard assisted Flatonia Fire and Rescue at mile marker 661, providing traffic control while fire fighters worked to put out a fire.

11/17/2020 Sergeant Mark Pritchard was conducting normal patrol duties when he observed a suspicious vehicle parked in the northeast corner of the Amigos truck parking, which appeared to be out of place. Upon further investigation it was determined that the vehicle was stolen out of San Antonio, Texas. The adult male occupant was wanted out of Bexar County for failure to register as a sex offender. The vehicle was recovered by Bob's Towing and the male subject was placed under arrest and transported to the Fayette County Jail for booking purposes.

11/18/2020 Flatonia Officers were contacted by a detective from Haltom City Police Department in reference to a juvenile who was being brought to the Flatonia Police Department. The Juvenile was a missing person/runaway out of Haltom City, Texas. Due to extenuating circumstances revealed by the Haltom City detective, the juvenile was to be turned over to Child Protective Services out of Tarrant County, Texas. To expedite this process Sergeant Pritchard transported the juvenile to a halfway point, Temple, Texas, and released the juvenile to Child Protective

Services.

- 11/17/2020 Chief Dick assisted the United States Secret Service with an investigation they were conducting that originated in the Flatonia area.
- 11/12/2020 Lieutenant Pritchard and Chief Dick responded to Interstate 10 to assist a Fayette County Sherriff's Deputy who was conducting a traffic stop with five occupants, four of which had fled from the scene. Officers provided back up until the deputy concluded his investigation.
- 11/21/2020 Officer George conducted the first ever Fill the Patrol Car Toy Drive for the Blue Santa Program at the Dollar General in Flatonia, Texas. The turnout was outstanding thanks to the generosity of our community.
- 11/23/2020 While on patrol, Lieutenant Pritchard, assisted Texas Highway Patrol by providing back up and translating during a traffic contact on Interstate 10.
- 11/24/2020 Chief Dick and Officer Kucera assisted EMS Medic -1 at the Flatonia Family Health Center with a male subject that was experiencing an altered mental status. Flatonia Officers were able to locate the man's family, who arrived on scene and made the necessary decisions to better help the gentleman.
- 11/25/2020 Officer Alexander provided traffic control for the Flatonia Public Works Department, while they worked in the lane of traffic on Cedar Street. Once they were finished, the officer returned to his patrol duties.
- 11/25/2020 Lieutenant Pritchard was on patrol on North Penn Street when she observed a major crash involving two vehicles. One of the vehicles failed to yield the right of way from a stop sign causing the crash, which resulted in three people being transported by Fayette County Emergency Medical Services to Gonzales Hospital with minor injuries. One vehicle was recovered by Bob's Towing and the other was driven away.
- 11/30/2020 Officer Llanes was contacted by Fayette County Sheriff's Deputy, H. Olvera in reference to a missing juvenile. Officer Llanes checked the area and was able to locate the juvenile. The juvenile was released to his parents shortly thereafter.

Code Enforcement

- 11/05/2020 Tall Grass and weeds were observed at a location on the 400 block of I-10 frontage. Contact was established with the manager on location and he was advised that the grass being so tall was against city ordinance. The manager stated he would make sure to get it cut.
- 11/08/2020 Officers conducted a follow up on a property that previously had tall grass complaints. The violator had not been able to take care of the violation, but he stated that he would get it done as soon as he could. While on patrol later that same day, an officer observed that the violation had been taken care of.
- 11/26/2020 Officers took down some signs that were illegally placed in the right of way, at the intersection of FM 609 and I-10 Frontage.

NO FURTHER DETAILED INFORMATION IS PUBLISHED DUE TO ON GOING INVESTIGATION OF CASES.

Arrests and Pending Charges

Due to Covid-19 restrictions put in place at the state and local levels, arrests for minor violations are being handled in different manners such as citations and promises to appear.

Traffic Contacts: 20

In-Service Training:

35 Hours

Flatonia Police Officers completed annual firearms qualifications during the week of November 11th. This is the mandated qualification required by state standards, but also included officer skills training with the weapons and other related equipment.

Animal Complaints - 5	Noise Complaints- 2	Accidents - 1
Scam Calls - I	Disturbances - 2	Transient Calls - 2
Close Patrol - 130	Open Door -1	Funeral Escorts -4
Alarm Calls -3	Suspicious Activity/Person - 3	Agency Assists - 17
Citizen assist - 21	Suspicious Vehicle- 1	Civil Matters - 5
Ministerial Vouchers -0	Motorist assist - 7	Welfare Check - 4
Inquest -0	Traffic Hazards - 3	Follow Ups - 1

Flatonia Police Department

Utility Director Activity Report

November 2020

11/2/20

• Finish trimming trees in front of American Legion

11/3

• Start working on Christmas lights

11/4,5

Christmas lights

11/11

• Veterans Day

11/12

Clear out potential conflicts with sidewalk along main roads

11/13

Cut down big tree at the intersection of Cedar Street and Hwy 90

11/16th - 20th

- Read meters
- Working on changes needed for TXDoT sidewalk project

11/21

• Call out to power issue on Hwy 95 North, customer issue

11/23

• Water leak on manifold of meters off Slaughterhouse Lane

11/24

- Water leak on Baca Loop
- Water leak off Slaughterhouse Lane

11/25

- Set transformer pole for new customer on Hwy 95 @ FM 154
- Meet with Texas Irrigation about sprinkler heads where sidewalk is proposed @ Civic Center

11/28

Sewer blockage on main line behind new Baptist gym

11/30

Nacho started painting interior of city hall



December 8, 2020 Council Meeting

CONSENT

Agenda Item:

Approve minutes of the November 17, 2020 Special Council Meeting and the November 17, 2020 Special Council meeting to Canvas the returns of the November 3, 2020 General Election.

Recommended Motion: I move to approve the consent agenda to include the minutes of the November 17 Special Council Meeting and the November 17, 2020 Special Council Meeting to Canvass the returns from the November 3, 2020 General Election.

Minutes Flatonia City Council Special Meeting - Canvas November 17, 2020

Present:

Mayor

Bryan Milson

Councilpersons

Catherine Steinhauser

Mark Eversole Dennis Geesaman

Ginny Sears

Donna Cockrell - Absent

City Staff

Sarah Novo – City Manager Angela Beck – City Attorney

Lee Dick -Chief, Flatonia Police Department

Jack Pavlas - Director, Utility Director

Public

Melanie Berger - Flatonia Argus

Mayor Milson called the Special meeting to order at 5:45 p.m.

No public comment.

Ginny Sears made a motion for the Council to accept Canvassed Election Returns from the November 3, 2020 General Election. Dennis Geesaman seconded the motion. None opposed. Motion carried.

The meeting was adjourned at 6:00 P.M.

Minutes

Flatonia City Council Special Meeting November 17, 2020

Present:

Mayor Bryan Milson

Councilpersons Catherine Steinhauser

Mark Eversole Dennis Geesaman Ginny Sears

Donna Cockrell - Absent

Allen Kocian

City Staff Sarah Novo – City Manager

Angela Beck – City Attorney

Lee Dick - Chief, Flatonia Police Department

Jack Pavlas - Director, Utility Director

Public Melanie Berger – Flatonia Argus

Joanye Eversole Karen Milson Janice Kocian

Mayor Milson called the Regular meeting to order at 6:00 p.m.

Dennis Geesaman led the invocation. Mayor Milson led the pledge to the American Flag and the pledge to the Texas Flag.

No public comment.

Mayor and Councilmembers elected on November 3, 2020 were sworn-in sequentially in the following order: 1. Mayor Bryan Milson, 2. Councilmember Mark Eversole, and 3. Councilmember Allen Kocian.

Consent Agenda

Catherine Steinhauser made a motion to approve the minutes of the November 10, 2020 Regular Council meeting. Mark Eversole seconded the motion. None opposed. Motion carried.

Deliberation Agenda

11.2-2020.1 Dennis Geesaman made a motion to appoint Catherine Steinhauser as

Mayor Pro-Tem. Allen Kocian seconded the motion. None opposed.

Motion carried.

11.2-2020.2 Catherine Steinhauser made a motion to appoint Allen Kocian as the

Council representative to the Flatonia Volunteer Fire Department Pension

Board as vacated by Councilmember Donna Cockrell. Mark Eversole seconded the motion. None opposed. Motion carried.

11.2-2020.3

Dennis Geesaman made a motion authorizing the City Manager to purchase an app-based digital utility meter reading system for both electric and water transmissions. Catherine Steinhauser seconded the motion. None opposed. Motion carried.

The meeting was adjourned at 6:16 P.M.



December 8, 2020 Council Meeting

DELIBERATION

12.1-2020.1

Agenda Item:

Consider and take appropriate action on the continuance of a

contract the Sign Ad for billboard services.

Summary:

The Sign Ad contract for a 10x32 vinyl billboard on I-10 will be expiring on 12/18/2020. Renewal of the contracted amount for another year is consistent with costs of years prior. The annual cost is \$5,395, which can be broken down into (13) 4 week net rate payments of \$415. This contract is paid for by HOT funds.



December 8, 2020 Council Meeting

DELIBERATION

12.1-2020.2

Agenda Item:

Consider and take appropriate action to approve the

reappointment of Dennis Geesaman, Ginny Sears and Gary Hoover to the Economic Development Corporation Board of Directors for a term of October 1, 2020 – September 30, 2022.

Summary:

The places that are up for appointment this year are 1, 2 and 3.

They are currently held by 1. – Dennis Geesaman, 2. – Ginny

Sears and 3. – Gary Hoover.

The term for this appointment is October 1, 2020 – September 30,

2022.

All of the current Board Members are happy to continue to serve.



December 8, 2020 Council Meeting

DELIBERATION

12.1-2020.3

Agenda Item:

Consider and take appropriate action on the resolution reinstating, continuing and renewing the Declaration of Disaster as signed by Mayor Milson on March 24, 2020, ratified by Council on March 31, 2020, and continued by Council on March 31, 2020, May 27, 2020, July 28, 2020, and October 13, 2020 for an additional sixty days.

Motion:

☐ I move to adopt Resolution 2020.10.1 extending the Declaration of Disaster for an additional 60 days from today's date, December 8, 2020.

RESOLUTION NO. 2020.12.1

A RESOLUTION OF THE CITY COUNCIL OF FLATONIA, TEXAS, RATIFYING, REINSTATING, CONTINUING AND RENEWING THE DECLARATION OF DISASTER (PUBLIC HEALTH EMERGENCY) SIGNED BY THE MAYOR OF THE CITY OF FLATONIA, TEXAS ON MARCH 24, 2020, ATTACHED HERETO, RATIFIED, CONTINUED AND RENEWED EFFECTIVE MARCH 31,2020 AND MAY 27, 2020 FOR A PERIOD OF SIXTY (60) DAYS EACH, AND BE IT RATIFIED AND REINSTATED THAT SAID DECLARATION OF DISASTER CONTINUE IN EFFECT FOR AN ADDITIONAL PERIOD OF SIXTY (60) DAYS FROM DECEMBER 8, 2020.

WHEREAS, the City of Flatonia, Texas on the 24th day of March 2020, began preparing for widespread or severe damage, injury or loss of life or property resulting from the novel coronavirus (COVID-19), which has been recognized globally as a contagious respiratory virus, and

WHEREAS, it has been and continues to be critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Flatonia, and

WHEREAS, continuing the declaration of a state of disaster will facilitate and expedite the use and deployment of resources to enhance preparedness and response, and

WHEREAS, the President of the United States as well as the Governor of the State of Texas have certified that COVID-19 poses an imminent threat of disaster and declared a state of disaster for all counties in Texas on the 13th day of March 2020; and

WHEREAS, Texas Government Code, Section 418.108 requires that the City Council continue any mayoral declaration of disaster when such losses occur or are anticipated to occur under such circumstances; and

WHEREAS, state regulations require that the declaration by the Mayor previously continued or renewed by the City Council of the City of Flatonia, Texas be continued or renewed in order to receive federal or state financial assistance to recoup financial expenditures deployed by the City in the fight against the pandemic;

WHEREAS, the City Council of the City of Flatonia, Texas, a municipal corporation in Fayette County, Texas, met at a special meeting of the City Council of the City of Flatonia on October 13, 2020 after proper notice and posting required by the Texas Open Meetings Act, Chapter 551, Texas Government Code; and

WHEREAS, a quorum of the City Council of the City of Flatonia, Texas were present at a regular meeting of the City Council held on December 8, 2020; and

WHEREAS, upon motion duly made and seconded, the following resolution was unanimously adopted at said special meeting:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FLATONIA, TEXAS:

- 1. That the Declaration of Disaster, attached hereto and incorporated herein for all purposes as if fully set forth verbatim, continued and renewed effective March 31, 2020, May 27, 2020, July 28, 2020, and October 13, 2020 for period of sixty (60) days each, be and it was ratified, reinstated.
- 2. That said Declaration of Disaster continue in effect for an additional period of sixty (60) days from December 8, 2020 or until the City of Flatonia, Texas is part of a Disaster Declaration by the President of the United States, whichever occurs sooner.

Done at Flatonia, Texas, on this the 8th day of December, 2020.

CITY OF FLATONIA, TEXAS

Bryan Milson	Catherine Steinhauser
Mayor	Mayor Pro Tem
Donna Cockrell	Mark Eversole
Councilmember	Councilmember
Dennis Geesaman	Ginny Sears
Councilmember	Councilmember
	ATTEST:
	Sarah Novo City Manager
	APPROVED AS TO FORM:
	Maria Angela Flores Beck
	City Attorney



December 8, 2020 Council Meeting

EXECUTIVE SESSION

ES12.1-2020.1

ES12.1.2020.1

As authorized by Texas Government Code Sec. 551.072 (Deliberations regarding Real Property) and Sec. 551.071 (Consultation with Attorney), the Board may enter into closed or executive session to discuss acquisition of the following item of real property and to consult with the City Attorney about attorney-client privileged matters relating to such acquisition:

1107 E. Highway 90, Flatonia, Texas



December 8, 2020 Council Meeting

EXECUTIVE SESSION

ES12.1-2020.1

ES12.1.2020.2

As authorized by Texas Government Code Sec. 551.071 (Consultation with Attorney) regarding litigation, or claims in connection with the following matter:

Kram v. City of Flatonia; Cause No. 2019V-151; 155th District Court, Fayette County, Texas



December 8, 2020 Council Meeting

DELIBERATION

12.1-2020.4

12.1.2020.4

Consider and take appropriate action on first reading of Resolution authorizing the Flatonia Economic Development Corporation to purchase 1.37 acres (consisting of 3 tracts) in the M. Muldoon League, A-14, Fayette County, Texas, commonly known as 1107 E. U. S. Highway 90, Flatonia, Texas, from the Grifaldo family in accordance with the terms set out in attached Exhibit "A".

Recommended Motion:

I make a motion to approve the first reading of Resolution 2020.12.1 authorizing the Flatonia Economic Development Corporation to purchase 1.37 acres (consisting of 3 tracts) in the M. Muldoon League, A-14, Fayette County, Texas, commonly known as 1107 E. U. S. Highway 90, Flatonia, Texas, from the Grifaldo family in accordance with the terms set out in attached Exhibit "A".

Exhibit A

RESOLUTION 2020.12.1

A RESOLUTION OF THE CITY OF FLATONIA, TEXAS APPROVING ON FIRST READING THE RECOMMENDATION THAT THE FLATONIA ECONOMIC DEVELOPMENT CORPORATION PURCHASE THAT CERTAIN 1.37 ACS. OF LAND (CONSISTING OF 3 TRACTS) IN THE M. MULDOON LEAGUE, A-14, FAYETTE COUNTY, TEXAS, COMMONLY KNOWN AS 1107 E. HIGHWAY 90, FLATONIA, TEXAS, FOR THE PURPOSE OF INCREASE PUBLIC PARKLAND AND FOR THE DEVELOPMENT OF AMATEUR SPORTS FACILITIES, INCLUDING CHILDREN'S **SPORTS** FACILITIES. THEREBY **PROMOTING** ECONOMIC DEVELOPMENT IN THE CITY OF FLATONIA AS AUTHORIZED BY SECTION 505 OF THE **TEXAS** GOVERNMENT CODE: AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, the Flatonia Economic Development Corporation has been established in accordance with the Texas Local Government Code, Title 12, Sections 501 and 505, formerly Section 2(11) and Section 4b of Article 5190.6 of The Texas Revised Civil Statutes, the Economic Development Act, and an election duly called and held in the City of Flatonia, Texas; and

WHEREAS, the Texas Local Government Code and the voters of the City of Flatonia authorized the Flatonia Economic Development Corporation to develop and institute programs that will encourage economic development within the City of Flatonia; and

WHEREAS, the Flatonia Economic Development Corporation has, in accordance with law, held a public hearing on November 19, 2020 after having published notice of same as required by law, for the purpose of receiving public input on the advisability of purchasing a 1.37 acres of land, consisting of three tracts in the M. Muldoon League, A-14, commonly known as 1107 E. U. S. Highway 90, Flatonia, Texas, for the purpose of increasing parklands in the City of Flatonia and for the purpose of development of amateur sports facilities, including children's sports facilities, thereby promoting economic development as authorized by Section 505 of the Texas Local Government Code; and WHEREAS, the Flatonia Economic Development Corporation has approved the purchase of said 1.37acres of land, consisting of three tracts, from the Grifaldo family in accordance with the terms set forth in attached Exhibit "A", at its regular meeting held on November 19, 2020 and has recommended that the City Council of the City of Flatonia approve such an acquisition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FLATONIA, TEXAS:

SECTION 1. That the purchase of 1.37 acres of land, consisting of three tracts situated in the M. Muldoon League, A-14, Fayette County, Texas commonly known as 1107 E. U. S. Highway 90, Flatonia, Texas from the Grifaldo family, approved by the Flatonia

Economic Development Corporation in the form of contract set forth in attached Exhibit "A," be and it is hereby approved on first reading.

SECTION 2. That the City Council of the City of Flatonia set this matter for consideration for final approval on second reading at the next regular or special meeting of the City of Flatonia, whichever occurs first, after which time the acquisition of the 1.37 acres of land, consisting of three tracts situated in the M. Muldoon League, A-14, Fayette County, Texas, from the Grifaldo family shall be accomplished by the Flatonia Economic Development Corporation, in accordance with the terms of the contract

SECTION 3. That the City Council has found and determined that the meeting at which this resolution is considered is open to the public and that notice thereof was given in accordance with the provision s of the Texas Open Meetings Act.

PASSSED AND APPROVED by on this the day of	the City Council of the City of Flatonia, Texas,, 2020.
	CITY OF FLATONIA, TEXAS
Ву:	Bryan Milson, Mayor
ATTEST:	
Sarah Novo, City Manager	
APPROVED AS TO FORM AND LEGA	ALITY:
Maria Angela Flores Beck, City Attori	ney